

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Aeropajito Castro-Vazquez,

Civil No. 09-276 (RHK/JSM)

Petitioner,

ORDER

v.

State of Minnesota,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated February 19, 2009. Petitioner has filed timely objections to that Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records and proceedings herein, including the undersigned's de novo review of the Report and Recommendation and the Objections thereto, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. No. 7) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 6) is **ADOPTED**;
3. Petitioner's application for a writ of habeas corpus (Doc. No. 1) is **DENIED**;
4. Petitioner's application for leave to proceed in forma pauperis (Doc. No. 2) is **DENIED AS MOOT**; and

5. This action is **DISMISSED WITH PREJUDICE.**

Dated: March 18, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge